

REMARKS

This Amendment is being filed concurrently with a Request for Continued Examination.

Claims 1-13 are pending in this application. By this Amendment, claims 1, 3, 6 and 11 are amended. No new matter is added. In view of at least the following remarks, reconsideration and allowance are respectfully requested.

The courtesies extended to Applicants' representative by Examiner MacNeill at the telephone interview held August 22 are greatly appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Claims 1-3, 5-7, 9, 11 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,017,330 to Hitchins et al. ("Hitchins"); and rejects claims 4, 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Hitchins. These rejections are respectfully traversed.

By the above amendments, Applicants have further clarified that the active substance in the injection device is injected "through the injection nozzle," as recited in claim 1. As agreed in the August 22, 2007 interview, Hitchins does not include an injection nozzle having the claimed features where the injection device is configured so that the active substance is injected through the nozzle. Specifically, the Office Action cites item 20 in Fig. 1A of Hitchins as allegedly disclosing the claimed injection nozzle. In this regard the Office Action cites as the connection features, for example, retaining flanges 120, 120', 128 and 128'. See Office Action at page 2. However, the flanges cited in the Office Action do not read on claim 1 because they are not connection features used to fix a reservoir to a nozzle, as required in claim 1.

As discussed in the interview, item 20 in Fig. 1A of Hitchins refers to an injector which includes, for example, housing 21 and piston 22. The injector 20 cannot be considered an "injection nozzle" under any reasonable interpretation of the claim language because no substance is injected through housing 20 of Hitchins. The injection nozzle is further clarified by the above amendments and recites that the active substance is to be injected through the injection nozzle. The Examiner's interpretation of the claimed phrase "injection nozzle" in the outstanding Office Action is improper at least because it improperly ignores the word "nozzle."

In contrast to the features of claim 1, injector 20 in Hitchins does not act as a nozzle in any way and does not inject any active substance. In this regard, it is apparent that any active substance in Hitchins would be injected through syringe tip 24 which is integrally formed with syringe 10 and therefore does not employ any connection means. Thus, for at least these reasons, independent claim 1 is patentable over Hitchins.

Claims 2-13 depend from claim 1 and therefore are also patentable over Hitchins for at least the reasons enumerated above, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Aaron L. Webb
Registration No. 56,930

WPB:ALW/mog

Attachment:
Request for Continued Examination

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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